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THE ESSENCE AND ACTIVITY OF THE INSTITUTE OF THE TREATMENTS OF PHYSICAL AND LEGAL ENTITIES IN STATE BODIES OF THE REPUBLIC OF UZBEKISTAN

Abstract: In this article the right of the treatment as an important factor in the welfare and effective protection of human rights is considered.

Key words: physical and legal entities, state bodies, law, legislation, the Republic of Uzbekistan, treatments, complaints, application.

Language: English

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As a result of paid under the leadership of the President of our country Islam Abduganievich Karimov the special attention to ensuring the rights and freedoms of citizens, honour and dignity raised to the rank of supreme value, in the Constitution of the Republic of Uzbekistan enshrines the principles of commitment to human rights and the priority of generally recognized norms of the international law [3, 4].

The right of the treatment is an important factor in the welfare and effective protection of human rights. In Article 35 of the Constitution of the Republic of Uzbekistan determined that everyone has the right, both individually and collectively, to submit applications, proposals and complaints to the competent state bodies, institutions or public representatives [1]. An important legal basis of relations in this sphere is the Law of the Republic of Uzbekistan "On treatments of individuals and legal entities" [2].

For each treatment standing a man and his fate, – says a leading specialist of the Kashkadarya regional branch of the Independent Institute for monitoring the formation of civil society Abduvali Dustov. – Therefore, the adoptions of a separate law on appeals of individuals and legal entities have played an important role. The law also stipulates that the violation of the legislation on treatments, and the filing of the treatment, containing slander and insults,

punishable in accordance with the established procedure.

Physical and legal entities have the right to appeal to the state authorities.

The right treatment is implemented voluntarily. No one can be forced to participate in actions in support of any treatment or against it.

The exercise of the right of the treatment should not disturb the rights, freedoms and lawful interests of other individuals and legal entities, as well as the interests of society and the state.

The physical and legal persons of foreign states, stateless persons have the right to appeal to state bodies of the Republic of Uzbekistan in accordance with this Law [2].

The treatments can be oral, written or electronic form. The treatments can be in the form of statements, suggestions and complaints. The statement is a requesting for assistance in the realization of rights, freedoms and legitimate interests. The proposal is a statement that contains recommendations for improving state and public activity. The complaint is a treatment demanding the restoration of violated rights, freedoms and protection of legal interests. The treatments irrespective of their type and form are of equal importance.

In the treatment of individuals must be specified name (name, patronymic) of a physical



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person, data on place of residence and set out the essence of the treatment.

In the treatment of the legal entity shall be indicated the full name of the legal entity, information about its location (postal address) and set out the essence of the treatment. The treatments may be filed in state and other languages. The written treatment must be signed by the secured negotiable physical person or signed by the director or the authorized person requesting legal entity. In case of impossibility of fixing of a written treatment with individuals requesting a signature, it must be sanctioned by the signature of the preparer and putting further surname (name, patronymic). The electronic treatment must be in the form of electronic document, confirmed with electronic digital signature and having other requisites of the electronic document allowing to identify it. The electronic application must comply with the requirements established by law.

The treatments that do not contain a surname (name, patronymic) physical person, data on place of residence or full name of legal entity, information about its location (postal address) or submitted false information about them and also not supported signature (electronic digital signature) are treated as anonymous requests. To the treatments filed through representatives, seeking physical and legal persons, applied the documents confirming their powers.

The treatments received by public authorities from the offices of the media, are considered in the order and terms stipulated by Law.

The treatments aimed at the mass-media, can be used to study and reflection of public opinions in accordance with the legislation on mass media.

In the state authorities organized the reception of individuals and representatives of legal persons. The reception of individuals and representatives of legal entities is carried out by the head of state body or another authorized person. To do this, public authorities may establish special structural units, identifies the officials responsible for the reception.

The reception of individuals and representatives of legal entities held on fixed days and hours, according to schedules of reception.

The graphics and receive information about time, venue and provisional registration, and the procedure for admission shall be communicated to interested entities through the publication on official websites of state bodies, as well as posting in public places on the benches or other equipment in their office building.

When oral treatment the individual must present a document proving his identity and representative of a legal entity – a document confirming its authority, and a document proving its identity.

In the reception of physical entities and representatives of legal entities may be refused if according to their previous treatment of a similar

nature already decided about that as prescribed in this Law communicated to them.

The order of reception of individuals and representatives of legal entities in public bodies is determined by the heads of these bodies. Managers or other authorized persons of the state bodies, conducting personal reception, is not entitled to reject when applying for any questions, including those not within its authority, except for cases provided by this Law.

If the issues identified during personal reception, is not applicable to the authority of the state authority, the appropriate officers or other authorized persons must explain traded, in which authority or organization should be contacted to address the issues stated in the treatment.

During the personal reception the head of the government body and with the written consent of the applicants may apply special technical means (audio and video recording and photography). The heads or other competent persons of the state authorities may be carried out personal receptions.

The discrimination in the use of the right treatment depending on gender, race, nationality, language, religion, social origin, beliefs, personal or social status of individuals, as well as forms of ownership, location (postal address) legal forms and other circumstances of legal entities is not allowed.

The physical and legal entities are guaranteed the right of appeal to the authorities individually or collectively.

The state bodies are obliged to comply with the requirements of the Constitution and laws of the Republic of Uzbekistan when considering applications, to take measures for their full, objective and timely consideration, to take within its authority measures to ensure the restoration of violated rights, freedoms and protection of legal interests of the physical and legal entities [1, 2].

When considering treatments will not be shared with employees of state agencies information about the private life of physical persons, entities without their consent or information constituting state secrets or other secrets protected by law, and other information, if it infringes on the rights, freedom and legitimate interests of the physical and legal entities.

Not allowed the elucidation of data on the physical and legal entity, not related to cases of the treatment.

At the request of a physical person any information about his identity is not divulged.

It is prohibited harassment of individual, his representative, members of their families, legal entities, their representative and family representative of the legal entity in connection with their appeals to government bodies in order to exercise or defend their rights, freedoms and legitimate interests, as well as the expression of opinion and criticism in the complaints.

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Such treatments shall be filed directly to the government body, whose mandate includes the resolution of a set of questions or to a higher body as subordination.

The physical and legal entities have the right to appeal independently, as well as to authorize his representative or send a request through the post or in electronic form. In the interests of minors, incapacitated and partially incapacitated persons the treatment may be filed by their legal representatives in the manner prescribed by law.

The treatment may include existing solutions, or copies thereof, previously adopted by it, as well as other documents necessary for its consideration, which are non-refundable, except in cases of a written application seeking their extradition. When the direction of treatment in the jurisdiction of another public authority must be accompanied by the specified documents.

Deadlines for filing of treatments, as a rule, are not indicated. In some cases there may be a deadline of filing of treatment to the relevant authorities, if this is due to features of the public authority for reviewing the treatment, the need for timely implementation and protecting the rights, freedoms and legitimate interests of physical and legal entities, as well as on other grounds stipulated by legislative acts.

A statement or complaint to a higher body as subordination shall be submitted not later than one year from the time when the person or entity became aware of the commission of actions (inaction) or decisions that violate his rights, freedoms and legitimate interests.

Missed for good reason, the date of filing the application or complaint is restored by state authority considering the application or complaint.

The treatment received in the public authority considered by this body or official, which is responsible for considering applications.

The treatment received in the public authority, whose mandate does not include resolution of the issues raised, not later than five days forwarded to the relevant bodies with this information in written or electronic form, to those seeking it.

It is prohibited groundless transfer of the treatment to the other public authorities, or by the direction of its agencies or officials whose decisions or actions (inaction) are appealed against.

If the treatments do not contain the necessary information to guide them to the relevant authorities, they in the term no later than five days returned seeking a reasoned explanation.

In case of need in additional information, references and materials for a complete, objective and timely consideration of the treatments officer of the public authority considering this treatment, may additionally request information from physical or legal persons who filed the treatment, and within

their authority other public authorities. The state bodies, their officials are obliged to provide the requested information within ten days if the information does not contain information constituting state secrets or other secrets protected by law, without prejudice to the rights, freedoms and legitimate interests of physical and legal persons, interests of society and the state.

Where appropriate, the public body considering the treatment may provide the referral with departure on place. If it can not consider treatment in the absence of the addressee or another person they may be caused by an official government body. When absences caused by appealing an official of a public body sends a response about the impossibility of consideration of the application.

The answer to the treatment signed by the head or other authorized officer of the public authority.

If put in the treatment issues affect the activity of economic entities, their representatives involved in state bodies within their authority to participate in the consideration of the treatment.

If in considering the treatment will need to verify the activities of businesses, including audits of financial and economic activity (audit), it shall be in accordance with the law.

The physical and legal entities have the right to withdraw their treatments prior to and during their consideration prior to the decision on the treatment by filing an application in written or electronic form. A statement about withdrawal of the treatment does not preclude the adoption by state authorities of measures on revealing and elimination of violations of the law.

When considering of the treatment of the state bodies, physical and legal entity have right to receive information about the progress of consideration of the treatment, personally present the arguments and give explanations, to get acquainted with the materials of the check treatment and the outcome of the proceedings, to submit additional materials or request their vindication from other authorities, to be assisted by a lawyer.

The officials or other competent persons of the state bodies considering the treatment, must ensure physical and legal entity the opportunity to meet with documents, decisions and other materials affecting their rights, freedoms and legitimate interests, if they do not contain information constituting state secrets or other secrets protected by law, without prejudice to the rights, freedoms and legitimate interests of physical and legal persons, interests of the society and the state.

The state authorities while considering the treatments shall immediately take measures to suppress illegal actions (inaction), within their powers to identify the causes and conditions conducive to violations of rights, freedoms and legitimate interests of physical and legal entities, to

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stop the routine prosecution of a physical person, his representative, members of their families, legal entities, their representative and family representative of the legal entity in connection with their treatment.

The state body that decided the treatment shall, in writing or in electronic form to inform applicants about the results of the examination and the decision taken immediately after the consideration of the treatment.

The responses to the treatments are set out, if possible, in the language of the treatment must include specific justification (as required with reference to the norms of legislative acts), refuting or confirming the argument for each issue stated in the treatment.

The official or other authorized entities of the state body, made the decision on the treatment, be obliged to explain the procedure of appealing against it, if the physical or legal entity who disagree with him.

The state body that decided the treatment, by its officials or other authorized persons are obliged to supervise the implementation of the decision by results of consideration of the treatment and to take action for refund in the manner prescribed by law for material damages or compensation for moral damage, if it is caused due to the violation of rights, freedoms and legitimate interests of physical or legal entities.

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